

INITIATIVE 714

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 714 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to the Washington clean indoor air act; amending
2 RCW 70.160.010, 70.160.020, 70.160.030, 70.160.050, 70.160.070, and
3 70.160.100; repealing RCW 70.160.040; prescribing penalties; and
4 providing an effective date.

5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 70.160.010 and 1985 c 236 s 1 are each amended to read
7 as follows:

8 The legislature recognizes the increasing evidence that tobacco
9 smoke in closely confined places ((may)) does create a danger to the
10 health of some citizens of this state. In order to protect the health
11 and welfare of those citizens, it is necessary to prohibit smoking in
12 public places ((except in areas designated as smoking areas)).

13 **Sec. 2.** RCW 70.160.020 and 1985 c 236 s 2 are each amended to read
14 as follows:

15 As used in this chapter, the following terms have the meanings
16 indicated unless the context clearly indicates otherwise.

1 (1) "Smoke" or "smoking" means the carrying or smoking of any kind
2 of lighted pipe, cigar, cigarette, or any other lighted smoking
3 equipment.

4 (2) "Public place" means that portion of any building or vehicle
5 used by and open to the public, regardless of whether the building or
6 vehicle is owned in whole or in part by private persons or entities,
7 the state of Washington, or other public entity, and regardless of
8 whether a fee is charged for admission.

9 Public places include, but are not limited to: Elevators, public
10 conveyances or transportation facilities, museums, concert halls,
11 theaters, auditoriums, exhibition halls, indoor sports arenas,
12 hospitals, nursing homes, health care facilities or clinics,
13 ((enclosed)) shopping centers, retail stores, retail service
14 establishments, financial institutions, educational facilities, ticket
15 areas, public hearing facilities, state legislative chambers and
16 immediately adjacent hallways, public restrooms, libraries,
17 restaurants, waiting areas, casinos, bars, taverns, bowling alleys,
18 lobbies, and reception areas. A public place does not include a
19 private residence. This chapter is not intended to restrict smoking in
20 private facilities which are occasionally open to the public except
21 upon the occasions when the facility is open to the public.

22 (3) "Restaurant" means any building, structure, or area used,
23 maintained, or advertised as, or held out to the public to be, an
24 enclosure where meals are made available to be consumed on the
25 premises, for consideration of payment.

26 (4) "Casinos" means any building, structure, or area used,
27 maintained, or advertised as, or held out to the public to be, an
28 enclosure where gambling is allowed.

29 (5) "Bars" and "taverns" mean any building, structure, or area
30 used, maintained, or advertised as, or held out to the public to be, an
31 enclosure where beer, liquor, wine, or spirits are made available to be
32 consumed on the premises, for consideration of payment.

33 (6) "Tobacco shop" means any building, structure, or area used,
34 maintained, or advertised as, or held out to the public to be, an
35 enclosure where only tobacco, tobacco products, pipes, and tobacco
36 papers are sold on the premises, for consideration of payment.

37 **Sec. 3.** RCW 70.160.030 and 1985 c 236 s 3 are each amended to read
38 as follows:

1 No person may smoke in a public place except in ~~((designated~~
2 ~~smoking areas))~~ a tobacco shop.

3 **Sec. 4.** RCW 70.160.050 and 1985 c 236 s 5 are each amended to read
4 as follows:

5 Owners, or in the case of a leased or rented space the lessee or
6 other person in charge, of a place regulated under this chapter shall
7 make every reasonable effort to prohibit smoking in public places by
8 posting signs prohibiting or permitting smoking ~~((as appropriate under~~
9 ~~this chapter))~~. Signs shall be posted conspicuously at each building
10 entrance. In the case of retail stores and retail service
11 establishments, signs shall be posted conspicuously at each entrance
12 and in prominent locations throughout the place. ~~((The boundary~~
13 ~~between a nonsmoking area and a smoking permitted area shall be clearly~~
14 ~~designated so that persons may differentiate between the two areas.))~~

15 **Sec. 5.** RCW 70.160.070 and 1985 c 236 s 7 are each amended to read
16 as follows:

17 (1) Any person intentionally violating this chapter by smoking in
18 a public place ~~((not designated as a smoking area))~~ other than a
19 tobacco shop or any person removing, defacing, or destroying a sign
20 required by this chapter is subject to a civil fine of ~~((up to one))~~
21 not less than five hundred dollars for the first offense, not less than
22 one thousand dollars for the second offense and increasing one hundred
23 dollars for any offense, thereafter in a sixty-day period from the
24 first offense. Local law enforcement agencies shall enforce this
25 section by issuing a notice of infraction to be assessed in the same
26 manner as traffic infractions. The provisions contained in chapter
27 46.63 RCW for the disposition of traffic infractions apply to the
28 disposition of infractions for violation of this subsection except as
29 follows:

30 (a) The provisions in chapter 46.63 RCW relating to the provision
31 of records to the department of licensing in accordance with RCW
32 46.20.270 are not applicable to this chapter; and

33 (b) The provisions in chapter 46.63 RCW relating to the imposition
34 of sanctions against a person's driver's license or vehicle license are
35 not applicable to this chapter.

36 The form for the notice of infraction for a violation of this
37 subsection shall be prescribed by rule of the supreme court.

1 (2) When violations of RCW ((70.160.040)) 70.160.030 or 70.160.050
2 occur, a warning shall first be given to the owner or other person in
3 charge. Any subsequent violation is subject to a civil fine of ((up to
4 one)) not less than five hundred dollars. Each day upon which a
5 violation occurs or is permitted to continue constitutes a separate
6 violation.

7 (3) Local fire departments or fire districts shall enforce RCW
8 ((70.160.040)) 70.160.030 or 70.160.050 regarding the duties of owners
9 or persons in control of public places, and local health departments
10 shall enforce RCW ((70.160.040)) 70.160.030 or 70.160.050 regarding the
11 duties of owners of restaurants by either of the following actions:

12 (a) Serving notice requiring the correction of any violation and
13 issuing a notice of infraction; or

14 (b) Calling upon the city or town attorney or county prosecutor to
15 maintain an action for an injunction to enforce RCW ((70.160.040))
16 70.160.030 and 70.160.050, to correct a violation, and to assess and
17 recover a civil penalty for the violation.

18 **Sec. 6.** RCW 70.160.100 and 1985 c 236 s 8 are each amended to read
19 as follows:

20 Any penalty assessed and recovered in an action brought under this
21 chapter shall be paid to the city or county bringing the action and
22 used to discourage children from smoking.

23 NEW SECTION. **Sec. 7.** RCW 70.160.040 (Designation of smoking areas
24 in public places--Exceptions--Restaurant smoking areas--Entire facility
25 or area may be designated as nonsmoking) and 1985 c 236 s 4 are each
26 repealed.

27 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2001.

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